

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild

Monica Alaez

Telephone: (313) 226-9577

Telephone: (313) 394-5447

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Donaciano ALCALA HERNANDEZ

Alias: Martin MORALES HERNANDEZ

Case: 2:21-mj-30275

Assigned To : Unassigned

Case No. Assign. Date : 6/3/2021

Description: CMP USA v. ALCALA
HERNANDEZ (SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 20, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

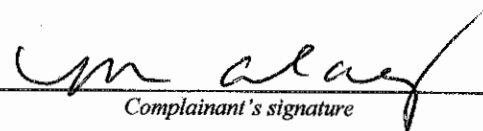
Offense Description

Title 8, United States Code, Section 1326(a)&(b)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

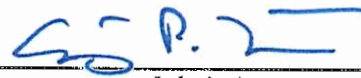
On or about March 20, 2021, in the Eastern District of Michigan, Southern Division, Donaciano ALCALA HERNANDEZ an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about September 24, 2013, at or near El Paso, TX and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) &(b).

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: June 3, 2021City and state: Detroit, MI


Complainant's signature

Monica Alaez, Deportation Officer

Printed name and title



Judge's signature

Anthony P Patti, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Monica Alaez, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since March 2009. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed the immigration records and system automated data relating to Donaciano ALCALA HERNANDEZ, which reveal the following:
2. Donaciano ALCALA HERNANDEZ also known as Martin MORALES HERNANDEZ is a thirty-nine-year-old citizen and a native of Mexico who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On May 13, 2002, the former Immigration and Naturalization Service (INS) at or near Detroit, Michigan arrested ALCALA HERNANDEZ. On May 29, 2002 an Immigration Judge in Detroit, Michigan ordered ALCALA HERNANDEZ removed to Mexico. On January 14, 2003 INS removed ALCALA HERNANDEZ to Mexico from Hidalgo, Texas.
4. On January 29, 2007, the United States Border Patrol, at or near Port Huron, Michigan encountered ALCALA HERNANDEZ and served him with a Notice of Intent / Decision to Reinstate Prior Order. On January 30, 2007 ALCALA HERNANDEZ was removed to Mexico from Brownsville, Texas.
5. On February 20, 2007, the United States Border Patrol, at or near Lordsburg, New Mexico encountered ALCALA HERNANDEZ and served him with a Notice of Intent / Decision to Reinstate Prior Order. On March 7, 2007, the United States District Court of New Mexico convicted ALCALA HERNANDEZ of 8 U.S.C. §1325(a)(1) and sentenced him to 16 days incarceration. On March 8, 2007 ALCALA HERNANDEZ was removed to Mexico from El Paso, Texas.

6. On March 21, 2013, ICE ERO at or near Detroit, Michigan arrested ALCALA HERNANDEZ and served him with a Notice of Intent / Decision to Reinstate Prior Order.
7. On April 2, 2013, the 52nd District – Division 2 in Clarkston, Michigan convicted ALCALA HERNANDEZ of possession of marijuana and sentenced him to 30 days' incarceration.
8. On April 3, 2013, the 51st District Court in Waterford, Michigan convicted ALCALA HERNANDEZ of possession of marijuana and sentenced him to 30 days' incarceration.
9. On April 10, 2013, the 52nd District Court- Division 3 in Rochester Hills, Michigan convicted ACALA HERNANDEZ of possession of unregistered handgun and sentenced him to 20 days' incarceration.
10. On June 13, 2013, the United States District Court, Eastern District of Michigan convicted ALCALA HERNANDEZ of Unlawful Re-Entry in violation of 8 U.S.C. §1326(a)&(b) and sentenced him to 52 days' incarceration.
11. On July 1, 2013, ICE removed ACALA HERNANDEZ to Mexico at Brownsville, Texas.
12. On August 6, 2013, the United States Border Patrol, at or near Santa Teresa, New Mexico encountered ALCALA HERNANDEZ and served him with a Notice of Intent / Decision to Reinstate Prior Order. On September 12, 2013, the United States District Court of New Mexico convicted ALCALA HERNANDEZ of 8 U.S.C. §1326(a)&(b), Unlawful Re-Entry and sentenced him to 2 months' incarceration. On September 24, 2013 ALCALA HERNANDEZ was removed to Mexico from El Paso, Texas.

13. On March 11, 2021, the 67th District Court of Fenton, Michigan convicted ALCALA HERNANDEZ of operating while impaired by liquor and sentenced him to 3 days' jail.
14. On March 20, 2021, ALCALA HERNANDEZ was arrested by the Genesee County Sheriff's Office for operating under the influence. On March 26, 2021, Detroit ICE ERO transported ALCALA HERNANDEZ from the Genesee County Jail to the Detroit ICE field office and served him with a Notice of Intent /Decision to Reinstate prior order. ICE searched his fingerprints in the ICE / FBI systems resulting in a positive match for Donaciano ALCALA HERNANDEZ, DOB XX/XX/1981, AXXX XXX 797, a previously removed alien.
15. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
16. ICE officers reviewed immigration file records and Department of Homeland Security electronic records, indicating that Donaciano ALCALA HERNANDEZ, AXXX XXX 797, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.
17. Based on the above information, I believe there is probable cause to conclude that Donaciano ALCALA HERNANDEZ, also known as Martin MORALES HERNANDEZ, is an alien who was found in or reentered the United States after deportation or removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security in violation of Title 8, United States Code, Section 1326(a)&(b).


Monica Alaez, Deportation Officer

Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Anthony P. Patti June 3, 2021
United States Magistrate Judge